THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6052 OF 2007

DATED 26th MARCH, 2007

BETWEEN

Naredla Pushpamma

… Petitioner

AND

The Joint Collector, Medak District at Sangareddy and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6052 OF 2007

ORDER:

The petitioner's father Neredla Yellaiah was owner of land admeasuring Acs.16.14 guntas situated at Yellareddypeta Village of Thoguta Mandal, Medak District. The petitioner's husband was allegedly illatam-son-in-law of Yellaiah. Claiming that she alone succeeded to the property, the petitioner approached the third respondent and obtained pattadar pass book and title deed (PPB/TD) for an extent of Acs.13.00 guntas, though the PPB/TD issued to Yellaiah was for an extent of Acs.16.14 guntas. In 2004, she obtained Pahanis for the years 1966-1967 to 2002-2003. Having found the names of respondents 4 and 5 in possession column in respect of certain extents of land, she made enquiries. She was informed by the office of third respondent that fourth respondent obtained regularization of sales transaction in respect of Acs.4.00 under Section 5-A of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) and that third respondent issued Form XIII(B). She was also informed that name of fifth respondent is shown as possessor in respect of Acs.2.14 guntas. Aggrieved by the same, she filed an Appeal before the Revenue Divisional Officer, Siddipet (RDO), second respondent herein; who, by proceedings 23.04.2005, cancelled Form XIII(B) and set aside the proceedings of the Mandal Revenue Officer (MRO) under Section 5-A of the Act. Thereafter, the third respondent allegedly carried out the corrections showing the petitioner as pattadar in respect of entire extent of Acs.16.14 guntas. Respondents 4 and 5 preferred a revision petition before the first respondent under Section 9 of the Act. The revisional authority passed impugned orders on 25.01.2007. The revisional authority set aside the order of the second respondent and upheld Form XIII(B) issued by third respondent in favour of respondents 4 and 5. This order is assailed in the writ

petition.

Learned counsel for the petitioner submits that the first respondent failed to follow the procedure prescribed under Rule 22 of A.P.Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity) and that vendors of respondents 4 and 5 had no right to sell the lands, and therefore, the regularization of transaction by the MRO is beyond jurisdiction as per Section 5-A of the Act. He also submits that the first respondent placed reliance on the Will, which was not proved, and therefore, the order is unsustainable.

Learned Assistant Government Pleader for Revenue (General-T) and the learned counsel for respondents 4 and 5 (caveators) submit that respondents 4 and 5 purchased an extent of Acs.4.00 and an extent of Acs.3.26 guntas respectively under unregistered/simple sale deeds from different vendors and approached the MRO for regularization. After following due process, the MRO regularized the sales in their favour. The RDO grossly erred in setting aside the order of the MRO and Form XIII(B). They also submit that the petitioner herein was not at all concerned with the land purchased by the respondents and as per the Will executed by Neredla Pedda Yellaiah @ Pedda Yella Reddy, the petitioner and her sister, Susila, were given only Acs.10.00 in survey No.966 and therefore, she is not entitled for entire extent of land. They also point out that even according to the petitioner, after death of her father, she did not get PPB for the entire extent.

The question before the first respondent was whether the MRO regularizes the unregistered sales transactions in favour respondents 4 and 5 properly. Secondly, whether the petitioner succeeded to entire extent of Acs.16.14 guntas or any lesser extent. It is the case of the respondents that Neredla Pedda Yellaiah @ Pedda Yella Reddy and his two brothers, purchased an extent of Acs.16.14 guntas in survey No.966 and another extent of Acs.20.00 in survey Nos.969 and 970. This land was used for grazing till 1977. There was a partition among the brothers by reason of which Yella Reddy got Acs.8.20 guntas only. They also relied on registered will bearing document No.17/1974 under which the Yella Reddy bequeathed Acs.10.00 in survey No.966 in favour of Smt Suseela, W/o Malla Reddy and the petitioner herein. Therefore, the Joint Collector was right in coming to the conclusion that the RDO ignored the validation proceedings issued by the MRO in favour of respondents 4 and 5. The first respondent appreciated and evaluated the facts of the case and correctly applied the law. The same does not suffer from any illegality or perversity as pointed out by the learned counsel for the petitioner.

The writ petition is devoid of any merit. If the petitioner claims

that she succeeded to the entire extent of Acs.16.14 guntas, her remedy is to seek a declaration in the civil Court as contemplated under Section 8(2) of the Act. The writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

26.03.2007.
pln